

**REMARKS**

Applicant's claims 1-3 and 19 have been rejected under 35 U.S.C. §102(e) as being anticipated by Stefano et al. (U.S. 5,765,984).

The Office Action alleges that Stefano discloses the invention and includes a movement means 62, a workpiece-machining device 20, a workpiece-storage device 34, a gripping means 66, a product-housing section 48, a material housing section 46, a skeleton-housing section, a first direction Y and a second direction X.

Applicant would first point out that numerous new applications of references have been applied against Applicant's claims in various Office Actions. In the first Office Action, dated December 26, 2000, Claim 1, Applicants only now remaining independent claim, was rejected on the basis of anticipation by Lockert (U.S. 5,244,343). Following a Restriction Requirement, a Final Rejection of Claim 1 was made on the basis of anticipation by Clark (U.S. 4,709,605) and again as anticipated by Lockert in an Office Action dated December 26, 2001. After filing of an RCE application, Claim 1 was next rejected as anticipated by a new reference, Kawada et al. (U.S. 5,358,375) in an Office Action dated June 7, 2002. Then, in a Final rejection dated September 19, 2002, Claim 1 was again rejected on the basis of Kawada et al. After a personal interview on December 3, 2002, and receipt of an Advisory Action, a second RCE was filed December 11, 2002. A first Office Action, in the second RCE, dated January 29, 2003, again rejected Claim 1 as anticipated by Kawada et al. Then, following an amendment filed March 26, 2003, the present Final Office Action dated May 29, 2003 was issued in which Claim 1 is rejected as anticipated under 35 U.S.C. §102(e) on the basis of a new reference, Stefano et al. (U.S. 5,765,984). This new reference,

Stefano et al., only now applied against Claim 1, was cited in the Office Action dated June 7, 2002 but not applied against the claims. Claim 1 has not been broadened since June 2002. If it is so pertinent, why was it not cited then?

A comparison of Claim 1, as now presented, and Stefano shows many significant differences between the two and Claim 1 is clearly not anticipated by the reference.

In Applicant's Claim 1, a workpiece-transfer device is specified for loading a material workpiece in a workpiece-machining device and unloading a machined product workpiece from the workpiece-machining device.

(1) The workpiece-transfer device includes a movement means with a rectangular coordinate system for moving a traveling body in a first horizontal direction along the direction in which the workpiece-machining device and a workpiece-storage device stand.

(2) The workpiece-machining device and the workpiece-storage device are in a line along the first direction with the workpiece-transfer device located in that line therebetween, as well as in a second horizontal direction orthogonal to the first horizontal direction.

(3) The traveling body includes a gripping means for gripping a material or product workpiece.

(4) The workpiece-storage device includes a product-housing section arranged for stacking of machined product workpieces and a material-housing section arranged for stacking of material workpieces provided in parallel, on one side of the workpiece-machining device, in the second direction.

(5) In the present device, the traveling body is positionable above the product-housing section and the material-housing section of the workpiece-storage device.

The arrangement of Claim 1 is not the same as or suggested by the Stefano reference.

While the Examiner has pointed out various facets of the Stefano device which resemble those of the present claimed device, there are clear distinctions between the two and it appears that the teachings of Stefano are misinterpreted.

For example, while the Stefano device has a stack 46 of unprocessed pieces of sheet metal and a stack 48 of processed pieces, these are positioned vertically and spaced from each other (col. 4, lines 51-55). There is clearly no “product-housing section arrangement for stacking of machined product workpieces and a material-housing section arranged for stacking of material workpieces provided in parallel, on one side of said workpiece-machining device, and in said second direction” as required in Claim 1. In Stefano, a loading table moves the pieces from out of and into the stacks and onto and away from the machining device, contrary to the present device.

The mere fact that some of components in the Stefano reference may correspond to some components of the present Claim 1 does not render the Claim obvious where the components of the claims are in a distinct arrangement and operate in a distinct manner.

Applicant would also point out that the Stefano device is similar to the earlier cited Kawada et al. device (U.S. 5,358,375) and assigned to the one of the same assignees, which Kawada et al. reference was overcome by Applicant’s prior amendment to Claim 1.

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Rather than a general statement as to whether Stefano et al. contains similar components, Applicant requests the Examiner to point out specifically how the arrangement of the components teaches or suggests the arrangement of amended Claim 1 as is required under the rules, or allow the present claims.

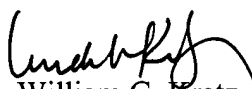
Applicant's claims 1, 2, 3 and 19 are believed to be patentable over the art and early allowance of the same is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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